

Message Text

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TAGS: PARM, GE

SUBJECT: GDR IMPLEMENTATION ON BIOLOGICAL WEAPONS CONVENTION

REF:(A) STTE 045606(B) BERLIN 5338 (C) BERLIN 5297

1. EMBASSY OFFICER MET WITH ERNST OF MFA(PLANNING SECTION) MARCH 3. ERNST APOLOGIZED FOR IMCOMPLETE PRESENTATION PREVIOUSLY GIVEN TO EMBOFF (REF C). WHICH OVERLOOKED SOME ASPECTS OF GDR IMPLEMENTATION.

2. ERNST SAID THAT LAW PASSED BY VOLKSKAMMER IN 1972 ENTERED INTO FORCE ONLY ON MARCH 26, 1975, WHEN, ACCORDING TO INTERNAVL GDR PROCEDURE, LAW WAS PUBLISHED IN THE OFFICIAL LAW BOOK (GESETZBUCH). ERNST NOTD THAT IN THE ORIGINAL WINZER SPEECH IN 1972 GDR COUNCIL OF MINISTERS HAD BEEN GIVEN THE TASK OF PURSUING MEASURES NEEDED TO ENFORCE THE LAW. TO DATE, HOWEVER, THE COUNCIL OF MINISTERS HAS NOT PUBLISHED ANY MEASURES.

3. WITH REGARD TO PENALTIES FOR BREAKING THIS LAW, ERNST SAID THAT THESE WERE DESCRIBED IN THE GDR CONSTITUTION

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(ARTICLES 8 AND 29) AND IN THE GDR'S PENAL CODE

(STRAFGESETZ). THESE DOCUMENTS COVERED IN GENERAL TERMS, ANY OFFENSES AGAINST THE BIOLOGICAL WEAPONS LAW OF 1975 AND OTHER SIMILAR GDR LEGISLATION. WHEN ASKED IF ANY PARTICULAR LEGISLATION GOVERNING PENALTIES AGAINST PERSONS CONTRAVENING THE BIOLOGICAL WEAPONS CONVENTION LAW EXISTED OR WERE FORESEEN, ERNST ANSWERED IN THE NEGATIVE. HE SAID, HOWEVER THAT THE PENALTIES UNDER THE ABOVE MENTIONED TWO DOCUMENTS WERE SEVERE AND CARRIED A MAXIMUM PENALTY OF DEATH.

4. ERNST FURTHER STATED THAT THE GDR AND THE FRG WERE FORBIDDEN UNDER TERMS OF THE POTSDAM AGREEMENT AND OTHER AGREEMENTS FROM DEVELOPING, PRODUCING, STORING, AND USING BIOLOGICAL WEAPONS. IN THE CASE OF THE GDR ERNST REPEATED (REF C). THAT THE GDR HAS HAD NO OCCASION TO DEAL WITH FURTHER PROHIBITION OF SUCH WEAPONS AND THERE WAS, THEREFORE, NO NEED TO PASS ADDITIONAL INTERNAL LEGISLATION COVERING OFFENSES AGAINST THE 1975 LAW.

5. TO THE QUESTION OF WHETHER PRIVATE AS WELL AS GOVERNMENTAL ACTIVITY WAS COVERED BY THE FOREGOING LAW, ERNST PREDICTABLY SAID THAT PRIVATE PRODUCTION OF SUCH WEAPONS WAS SIMPLY NOT POSSIBLE IN THE GDR WHERE ENTERPRISES CAPABLE OF PRODUCING SUCH WEAPONS WERE ALL UNDER STATE CONTROL. HE CONCLUDED BY SAYING THAT THE LAWS GOVERNING SUCH OFFENSES WERE APPLIED BY GOVERNMENT (STATE) ORGANIZATIONS, DOWN TO THE LOCAL (KREIS) LEVEL.

6. EMBASSY OFFICER ASKED FOR COPIES OF THE 1975 LAW AS WELL AS EXCERPTS OF PERTINENT PROVISIONS FROM THE PENAL CODE. THESE WILL BE TRANSMITTED TO WASHINGTON AS SOON AS RECEIVED FOR THE ATTENTION OF ACDA/GC.COOPER

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